

Testimony of

Mark Reed

Regional Director, Central Region

U.S. Immigration and Naturalization Service

Department of Justice

before the

Subcommittee on Immigration and Claims

concerning

Criminal Aliens in the State of Utah

Monday, July 27, 1998

Chapman Branch Library

577 South 900 West

Salt Lake City, Utah

9:00 a.m.

Mr. Chairman and Members of the Subcommittee, thank you for inviting me to speak today. I am the Regional Director for then INS Central Region, and have operational responsibility for all INS activities in 18 states, including Utah, which is part of the INS Denver District. I am here to address the problem of criminal aliens in the state of Utah, and more importantly, steps we have taken and will take to meet those problems.

As you are well aware, the presence of criminal aliens seriously erodes the quality of life in American cities. Drug trafficking, the production and sale of fraudulent documents and alien smuggling are just some of the enterprises our cities can do without. I know I don't have to convince you that criminal aliens are a serious problem in Utah.

These are the responsibilities of the INS, as I see them, concerning criminal aliens in Utah:

First: apprehension and identification. The challenge is to find and arrest criminal aliens in the community or passing through the state, as well as identify those already in the criminal justice system.

Second: detention. There must be a secure place to hold criminals while due process takes place and while transportation is arranged.

Third: removal. There must be an effective system for placing criminals outside the boundaries of our country.

Finally, deterrence. Once removed, criminals must have a strong aversion to returning to our communities.

The Commissioner of the Immigration and Naturalization Service, Doris Meissner, has made the removal of criminal aliens, particularly those who have been convicted of an aggravated felony, a high priority.

Nationally, the number of criminal aliens the INS removes has increased dramatically in the past few years. In the first six months of this fiscal year, 26,957 criminal aliens were removed from the U.S., up 12 percent from the same time last fiscal year.

Allow me to review the steps the INS has taken in the past to address the criminal alien issue in Utah, and outline additional steps we plan for the future.

Apprehension

First let's look at the apprehension of criminal aliens by the Salt Lake City INS office. By "apprehensions" I mean those aliens who were directly arrested by INS as well as those who were turned over to the INS by the criminal justice system and other agencies. In fiscal year 1996, the Salt Lake City INS office apprehended 564 criminal aliens. In fiscal year 1997, the total was 810. During the first nine months of fiscal year 1998, 924 criminal aliens have been taken into custody. At the current pace, the office here will likely exceed 1,200 apprehensions this fiscal year.

In March 1998 the entire state of Utah was given access to INS' Law Enforcement Support Center (LESC). Over 50 hours of training were conducted statewide for Utah enforcement personnel. The LESC now gives them immediate access to INS information on foreign-born individuals under investigation or arrest.

The INS is a member of the city's Pioneer Park Drug Task Force. An INS bike patrol agent works closely with other law enforcement agencies to apprehend illegal aliens--many of whom are criminals--in Salt Lake City. I understand that the work of the task force has led to a reduction of criminal activity in Pioneer Park, and that the task force is now attacking similar problems in other areas of the city.

Our agents also work inside the state prison in Draper, Utah, to identify and track aliens who have been arrested for crimes. The agents place "detainers" on the aliens so that the INS takes them into custody when they are released. Other incarceration facilities around the state frequently notify the INS about aliens they encounter. Resource limitations do not allow us to respond to all requests to pick up aliens. We do, however, give particular attention to calls involving criminals.

In addition, our agents work throughout the state with other local, county, state and federal law enforcement officials on specific operations that involve aliens or immigration law violations. For example, we are developing plans that will increase our effectiveness in apprehending criminal aliens.

Law enforcement agencies in St. George and Cedar City, Utah, have requested a greater INS presence in the southern part of the state. The INS Denver District and the Havre, Montana, Border Patrol Sector have worked to address the issue of large numbers of illegal aliens being smuggled through the area. These joint road interdiction operations have resulted in the apprehension of large numbers of illegal aliens.

The INS will continue to conduct periodic road and worksite operations, and will consider temporarily stationing special agents in southern Utah to ensure that all criminal aliens in jails are identified and removed.

We are excited about the upcoming arrival of video conferencing between INS and area jails as a way of identifying, processing, and removing criminal aliens much more effectively. The interviews will be done remotely, using computer and video equipment provided by the INS. Not only will we be able to identify a higher number of criminals, our agents will spend less time traveling around the state interviewing inmates, and will spend more time on other enforcement activities. Video conferencing has already proved to be very successful in other areas of the country.

We hope to enroll Washington County Jail near St. George and Utah County Jail in Provo in the initial phase of video conferencing. The new Salt Lake County Jail is scheduled to be completed during the summer of 1999. Once built, we expect to install video conferencing there in cooperation with the Salt Lake County Sheriff's Department.

INS will work with southern Utah law enforcement agencies to implement video conferencing in jails and prisons there.

Detention

After apprehending criminal aliens, the issue becomes detention. My view is that detention should be as brief and as limited as possible, as resources are better spent in other areas of the removal process. Still, as you know, detention space is a continuing challenge to the Salt Lake City INS office, though the situation has improved over the past year.

Currently, the INS has up to 45 detention beds available, scattered along the Wasatch front area. These spaces depend on inmate levels at the various facilities. Because of the shortage of local bedspace, the INS is compelled to look throughout the state for other options. We are currently using the Wackenhut facility in Aurora, Colorado, to house detainees until more beds become available. There is potential for additional detention space in the region, however.

Davis County is building a jail facility; when it is completed in December of this year, we will have 40 additional beds available to house our detainees.

The Washington County Purgatory Detention Center in Hurricane, Utah, has been suggested as a detention site. The facility is 300 miles from Salt Lake City, however, a distance that renders it too far to use as detention space.

The possibility of building a 150-bed "Temporary Overnight Staging Facility" for the INS in the Salt Lake City area is currently under analysis by the Corps of Engineers. Their report is expected sometime next month. It will consider building and operating costs, whether our workload will support such a facility, transportation needs, staffing requirements, INS priorities, and alternatives. We will review the results of the study when it is finished and make a determination on the facility then.

Removals

Removing criminal aliens is the next consideration. The Justice Prisoner and Alien Transportation System (JPATS), a federal prisoner aircraft transport service under the management of the U.S. Marshals Service, has been and will continue to remove aliens from Utah. In addition, ground transportation is used to move aliens from the Salt Lake City area to other INS facilities, or remove them from the country.

Within the past year, the Utah INS office has received four new maxi-vans and one new bus to assist in the transportation and removal of aliens. The local system for alien removal typically functions well for the current needs of the Utah INS.

Deterrence

The final step in the criminal alien removal system is deterrence. Without meaningful deterrence, criminals will re-establish themselves in our communities. New laws, along with greater cooperation among U.S. enforcement entities, have given teeth to the concept of deterrence. The Salt Lake City office has received outstanding support from Acting U.S. Attorney David Schwendiman in the form of prosecuting aggravated felons who re-enter the U.S. after removal. We expect to continue the same fine working relationship with U.S. Attorney designate Paul Warner. Aliens successfully prosecuted serve their time in federal prisons, relieving Utah of the jail space burden.

During fiscal year 1996, the U.S. Attorney's office criminally prosecuted 80 aliens for re-entry. In fiscal year 1997, the office prosecuted 152 aliens who re-entered. Through July 22 of this fiscal year, 281 have been prosecuted. That's a 184 per cent increase so far, with more than two months remaining in the fiscal year.

Accomplishments

The state of Utah faces some real immigration challenges. We undoubtedly have a distance to go in addressing them, but I'd like to note some areas of progress, made possible through the work and cooperation of Congress, the Administration, the Department of Justice, local elected officials and law enforcement authorities, and of course, the local INS staff.

The INS and the Salt Lake City Police Department will officially sign a memorandum of understanding next month that will initiate a ground-breaking pilot project that will delegate authority to the local PD to perform certain immigration officer functions. The immigration law passed in 1996 cleared the way for this concept, and the Attorney General designated Salt Lake City as the testing ground. This authority should be another effective tool to keep criminal aliens off the streets.

Earlier this year, Utah was put on-line with the Law Enforcement Support Center (LESC), which provides local and state law enforcement agencies with access to INS indices for the purpose of identifying criminal aliens for removal from the U.S.

Shortly after last year's crime summit here in Utah, the city began getting weekly flights by the Justice Prisoner and Alien Transportation System (JPATS). These flights have been an enormous help in moving criminals out of the state quickly.

Several vehicles were added to the local INS fleet to aid in the removal of aliens. Last fall the office received four large vans that hold 13 persons each, and recently a bus with a 51-person capacity was acquired.

Three additional federal prosecutors were assigned to the U.S. Attorney's office to handle INS narcotics-related matters.

Three additional INS enforcement agents were added to the Salt Lake City INS office during the past year. Since 1994, the office has grown by 15 positions.

While on the subject, I'd like to give you an update on the local INS vacancy situation. The Salt Lake City Suboffice has a total of 48 positions. Currently, two of those positions are vacant, though we are aggressively working to fill them.

Deportation Branch: 14 positions; no vacancies. Two employees, a Deportation Officer and a Docket Clerk, recently entered on duty. Two other recently hired employees are awaiting security clearances.

Examinations Branch: 16 positions; 2 vacancies.

Investigations Branch: 13 positions; no vacancies. A criminal investigator recently entered on duty.

Long-term enforcement strategies

For a few moments I'd like to broaden the discussion to give you a glimpse of what we are putting in place as a central region interior enforcement strategy.

There are currently three teams, made up of top central region INS managers, developing operational plans for what I see as our primary interior enforcement targets. They are: (1) removing criminal aliens (2) shutting down smuggling corridors, and (3) reducing the number of illegal aliens in the workplace.

Allow me to summarize these target areas.

Removal of Criminal Aliens

Aliens who commit crimes erode the quality of life in our communities. The INS routinely identifies criminal aliens in the state and federal criminal justice system, but those who enter the system on a local or county level are frequently missed.

Our goal is to set up a system to enable us to identify these criminal aliens for the purpose of removal. Then, we will aggressively pursue and prosecute criminal aliens who re-enter the U.S. after removal.

A 24-hour Command Center is now being established in the Chicago INS office. The Command Center will provide local and county jails with 24-hour access to INS, with the ability to remotely conduct record checks, interviews and processing.

The Law Enforcement Support Center (LESC) will be able to refer cases to the INS command center if an alien appears amenable to removal by the INS.

In addition, the INS will expand the use of video conferencing equipment in local and county jails.

Shutting down smuggling corridors

Smugglers use numerous interstate corridors to transport illegal aliens into the interior of the U.S. In addition to the obvious problem of a rising illegal population, the smugglers use vehicles that are often unsafe, endangering the lives of the aliens and the general public.

We will begin in Nebraska, by deterring alien smugglers from using the stretch of Interstate 80 that crosses that state. By developing partnerships with local, state and county law enforcement agencies along this corridor, while improving our responsiveness to their calls for assistance when they stop suspected smugglers, we will force these criminals to use other routes.

Once smuggling on I-80 in Nebraska has dried up and a maintenance system is in place, the concept will be systematically expanded to other states and other corridors.

The Command Center I mentioned earlier will also support our efforts to halt smuggling. The Center will provide 24-hour telephonic support to law enforcement agencies in a number of states who encounter suspected smuggling loads. This will enable INS to work with these agencies to determine the disposition of aliens and, more importantly, to quickly identify criminal aliens for removal.

Reducing the number of illegal aliens in the workplace

Employment continues to be the magnet that draws illegal aliens into the interior of the United States. While we will continue to remove unauthorized workers from the workplace, it has become clear that we must develop new strategies, especially for industries that historically have attracted large numbers of illegal aliens.

We chose meatpacking plants in the midwest as a starting point, since illegal aliens make up approximately 25 percent of the industry's workforce. Communities surrounding meatpacking plants continue to experience problems that accompany the illegal population, including crime and burdened social services.

Our goal is to reduce the number of unauthorized workers in the meat-packing industry by providing industry managers with fast and frequent employment eligibility checks.

INS will establish an "employment eligibility clearing house." INS will obtain copies of forms I-9 (employment eligibility verification) for employees of meat packing plants, which will be forwarded to the clearing house location or locations. There, working in cooperation with other agencies, staff will verify employment eligibility for all employees.

The INS will generate a list for each plant, indicating which employees' work authorization checks out, and which need to be interviewed by INS. This process will be repeated on a frequent basis, "freezing out" unauthorized workers and enabling plant managers to stabilize their workforce.

Conclusion

In conclusion, I want to thank you again for asking me to testify here today. It is clear that we have met many challenges posed by criminal alien activity in Utah. It is also clear that we have some distance to go. I appreciate the work you and the others in this room have put forth in looking for solutions. I look forward to meeting future challenges as partners. I will now be happy to answer any questions.